

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

John Scatchell, Sr., John Scatchell, Jr.)

Plaintiffs,)

v.)

Village of Melrose Park, an Illinois Municipal)
Corporation; Ronald M. Serpico; Sam Pitassi;)
Michael Castellan; Steven Rogowski; Board)
Of Fire and Police Commissioners of Melrose)
Park, Illinois,)

Defendants.)

Case No.: 2018-CV-03989

Judge Charles R. Norgle, Sr.

Magistrate Judge Michael T.
Mason

Jury Trial Demanded

**OPPOSED AMENDED PLAINTIFF'S RULE 15(a)(2) MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT AND FOR LEAVE FOR CASS T. CASPER, ESQ., TO
FILE AN ADDITIONAL APPEARANCE FOR PLAINTIFF(S)**

NOW COME, Plaintiff, JOHN SCATCHELL, SR., and putative Plaintiff, JOHN SCATCHELL, JR., by and through one of their attorneys, Gia Scatchell, Esq., Law Offices of Giana Scatchell, and moves this Honorable Court for leave to file a First Amended Complaint and to add an additional Plaintiff, and for leave for Cass T. Casper to appear as additional counsel for Plaintiff(s), for the reasons that follow:

1. Plaintiff Scatchell filed his initial Complaint on June 7, 2018 alleging federal and causes of action related to constitutional deprivations for his support of protected activity, engaging in protected activity, and opposition to unlawful conduct. *See* Dkt. 1.

2. Since the filing of the Complaint, Plaintiff's son, John Scatchell, Jr., was fired from his police officer position with Defendant Village of Melrose Park, Illinois, a

termination which was effective December 7, 2018. Plaintiff and his son both aver that such termination was pretextual and retaliatory in nature in further violation of Plaintiff's, and his son's, constitutional rights.

3. Under Rule 15(a)(2), leave to amend should be given freely when justice so requires. *See* Fed. R. Civ. P. 15(a)(2). Leave to amend is only "inappropriate where there is undue delay, bad faith, dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, or futility of the amendment." *Perrian v. O'Grady*, 958 F.2d 192, 194 (7th Cir. 1992).

4. The proposed First Amended Complaint is attached hereto as a Supplement, and is filed as soon as practicable after John Scatchell, Jr.'s termination.

5. The addition of John Scatchell, Jr. as a Plaintiff is necessary and proper in this case because it forms part of the same nucleus of operative fact of the existing Complaint, *to wit*, acts of retaliation suffered by Plaintiff, which, now, includes targeting and termination of his son.

6. As noted in the First Amended Complaint, third-party reprisals are made unlawful under Title VII, and certainly are as unlawful under 42 U.S.C. 1983 in the state actor context, and there is a proper legal basis to join John Scatchell, Jr.'s claims in this case.

7. Adding John Scatchell, Jr. as a Plaintiff and stating his claims under 42 U.S.C. 1983 in the First Amended Complaint serves judicial economy, will avoid duplicative lawsuits for both the Plaintiff, proposed Plaintiff, and the Defendants that really stem from the same common nucleus of fact.

8. Additional claims against the individual Defendants have also been brought to the attention of Plaintiff, and, therefore, he seeks leave to add additional claims, all of which are timely brought.

9. In addition, there has been no undue delay, bad faith, or dilatory motive by Plaintiffs. This case is currently still in the pleading stage with Defendants having just filed Answers to the Complaint on November 21, 2018. *See* Dkt. Nos. 14 – 16.

10. Consequently, the Court should grant Plaintiff leave to file the proposed First Amended Complaint.

11. Finally, Cass T. Casper, Esq., is a member in good standing of this Court's General and Trial Bars, is a licensed attorney in Illinois, and has been retained as additional counsel for Plaintiff(s). He seeks leave to file his additional appearance under Local Rule 83.17 and his proposed appearance is attached hereto as a Supplement.

WHEREFORE, for the above stated reasons, Plaintiff SCACHELL, respectfully requests that this Court enter an order granting leave to file the attached First Amended Complaint and for such other relief that the Court deems just.

Respectfully submitted,

JOHN SCATCHELL, SR.
JOHN SCATCHELL, JR.

By: /s/ Gianna R. Scatchell

Gianna R. Scatchell

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Respectfully submitted,

By: /s/ Cass T. Casper

Cass T. Casper

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that the foregoing document and all attachments and supplements thereto were served upon counsel for Defendants noted below via this Court's CM/ECF filing system, and that such counsels are registered e-filers.

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s/Gianna Scatchell

Electronically filed on January 29, 2019